IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12666 of 2003

Between:

J.C.Swathi D/o.J.C.Rajasekhar Reddy, aged 27 years,

F.P.Shop Dealer,Jutur village, Peddapappur Mandal,

Ananthapur District.

..... PETITIONER

AND

1. The District Collector, Ananthapur.
2. The Joint Collector, Ananthapur.
3. The Revenue Divisional Officer, Ananthapur.
4. The Mandal Revenue Officer, Peddapappur Mandal,

Ananthapur District.

5. N.Keshava Reddy S/o.Chinna Reddy, 45 years,

Resident of Jutur village,Peddappur Mandal,Ananthapur District.

(5th respondent is impleaded as per Court Orders dt.15.08.2003 in W.P.M.P.No.21427/2003)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the orders of the first respondent passed in D.Dis.K4/A.T.P./436/2003 dated 24.06.2003 confirming the order of the 2nd and 3nd respondents passed in D.Dis.K4/6168/02 dated 18.12.2002 and D.Dis.No.D1CS/531/2002 dated 12.09.2002 as illegal, arbitrary.

For the Petitioner: MR.O.MANOHER REDDY,Advocate.

For the Respondent Nos.1 to 4: Govt. Pleader for Civil Supplies Dept.

For the Respondent No.5: MR.N.RANGA REDDY,

The Court made the following :

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.12666 OF 2003

ORDER:

The petitioner was appointed as a fair price shop dealer of Jutur village, Peddapappur Mandal, Ananthapur District, when she was unmarried. On the complaint received from the cardholders that after her marriage, she left the village and living with her husband at Madanapalli and her father is running the fair price shop in benami, the Revenue Divisional Officer, Anantapur has issued a show cause notice to the petitioner calling her explanation. After considering her explanation, and as per the report of the Mandal Revenue Officer, the Revenue Divisional Officer, by his order dated 12.09.2002, concluded that the dealer is not residing at Jutur village and she is residing in Madanapalli of Chittoor District, along with her husband. As she is not residing in the village, to which she was appointed as a fair price shop dealer and residing in Madanapalli, her father is distributing the essential commodities to the cardholders at Jutur, the authorization granted in favour of the petitioner was cancelled, directing the Mandal Revenue Officer, Peddapappur,

to make alternative arrangement. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector, Ananthapur who dismissed the appeal on 18.12.2002. The Petitioner further carried the matter in revision before the District Collector, Ananthapur, raising all the grounds and it was argued before the Revisional Authority that the voters' list of the Jutur village, wherein the name of the petitioner was shown as a voter and 142 cardholders are also confirmed about her residential status and abode and that the report of the Mandal Revenue Inspector was not taken into consideration, but preferred the reports of the Mandal Revenue Officers. The Revisional Authority, after elaborately considering both the reports, called for a report from the existing Mandal Revenue Officer, who submitted a report on 12.06.2003, stating that the revision petitioner was not residing in the village and instead she is residing along with her husband at Madanapalli Mandal of Chittoor District and the shop is not being run by her. In view of the same, the Revisional Authority dismissed the revision. Assailing the correctness of the above finding, the present writ petition has been filed.

The learned counsel for the petitioner contends that when the petitioner's name was shown as a voter in Jutur village and the cardholders and the report of the Mandal Revenue Inspector are in her favour, apart from the representation of the cardholders, the same was not taken into consideration by the primary, appellate authority as well as the revisional authority. In view of the same, cancellation of the authorization suffers for not consideration of material available on record.

The learned Government Pleader for Civil Supplies contends that when the Mandal Revenue Officer, who has submitted a report, based upon the action that was initiated by the Revenue Divisional Officer, the petitioner's authorization was cancelled and the three authorities concurrently held that the petitioner was not residing in the village, the same can not be interfered.

The petitioner has not denied the fact of her marrying a person who is a resident of Madanapalli. The Mandal Revenue Inspector reported that the petitioner is residing at Jutur village, whereas, the Mandal Revenue Officer reported that she is not residing in the village as per his enquiry and her father distributing the essential commodities. The Revisional Authority called for a fresh report from the present Mandal Revenue Officer, which is also in tune with the earlier report submitted by the Mandal Revenue Officer. As per G.O.Ms.No.198, FCS & CA (CS-IV) Department, dated 05.02.1996, a fair price shop dealer shall be a resident of Gram

Panchayat or Municipal limits of town as the case may be, in which the shop is located. Since the petitioner, after marriage, residing with her husband, she is not entitled to continue as fair price shop dealer.

Since, all the three revenue authorities concurrently held that the petitioner is not residing in the village, which they are entitled to based on the evidence viz., report of the then Mandal Revenue Officer and the further report of the present Mandal Revenue Officer, called for in the matter. In view of the same, I do not see, any illegality or irregularity in canceling the authorization of the petitioner.

The writ petition is accordingly dismissed. No costs.

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7th July, 2004.

To

1. The District Collector, Ananathapur.
2. The Joint Collector, Ananthapur.
3. The Revenue Divisional Officer, Ananthapur.
4. The Mandal Revenue Officer, Peddapappur Mandal, Ananthapur District.
5. Two CCs to the Government Pleader for Civil Supplies Department, High Court Buildings, Hyderabad. (O.U.T.)
6. Two C.D. copies.

cs/kmr